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UBER TECHNOLOGIES, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

X ONE, INC.,

Plaintiff,

1

## UBER TECHNOLOGIES, INC.

Defendant.

Case. No. 5:16-cv-06050-LHK

**JOINT STIPULATION TO EXTEND  
BRIEFING SCHEDULE FOR  
DAUBERT AND SUMMARY  
JUDGMENT MOTIONS:**

## SCHROEDER DECLARATION:

## [PROPOSED] ORDER

Honorable Lucy H. Koh

1 Plaintiff X One, Inc. and Defendant Uber Technologies, Inc., through their counsel of record,  
2 hereby stipulate as follows:

3 WHEREAS the Court set a hearing on Daubert motions for December 12, 2019, and a  
4 hearing on summary judgment motions for January 9, 2020;

5 WHEREAS on October 31, 2019, X One filed a motion for summary judgment and a  
6 Daubert *motion*;

7 WHEREAS on October 31, 2019, Uber filed a motion for summary judgment and two  
8 Daubert *motions*;

9 WHEREAS under the schedule set by the Court's Order, oppositions to both motions are due  
10 on November 14, 2019, and replies are due one week later on November 21, 2019;

11 WHEREAS the parties jointly request a four-day extension of time to prepare and file their  
12 oppositions to the Daubert and summary judgment motions, and a one-day extension of time to  
13 prepare and file their replies;

14 WHEREAS the parties seek this extension of time to accommodate their schedules and  
15 because this proposal will still result in the Court having fully-briefed motions well in advance of the  
16 hearing dates presently set (December 12, 2019, and January 9, 2020);

17 WHEREAS, under the parties' proposal, oppositions would be due November 18, 2019, and  
18 replies would be due November 26, 2019;

19 WHEREAS the extension will not otherwise affect the schedule for the case or any other  
20 deadline in the case;

21 THEREFORE, the parties hereby stipulate and agree to the following:

22 Oppositions to Daubert and summary judgment motions shall be filed on or before  
23 November 18, 2019; replies in support of Daubert and summary judgment motions shall be filed on  
24 or before November 26, 2019.

25 No changes to any other case deadlines are warranted at this time.

26 IT IS SO STIPULATED.

1  
2 Dated: November 6, 2019  
3

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP

4 By: /s/ Jacob A. Schroeder  
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23 *Counsel for Plaintiff*  
24 *X One, Inc.*  
25

26 Dated: November 6, 2019  
27

MORRISON & FOERSTER LLP

28 By: /s/ Esther Kim Chang  
29 Esther Kim Chang  
30

31 Attorneys for Defendant  
32 UBER TECHNOLOGIES, INC.  
33

**DECLARATION OF JACOB A. SCHROEDER IN SUPPORT OF THE PARTIES' JOINT  
STIPULATION TO EXTEND BRIEFING SCHEDULE FOR DAUBERT AND SUMMARY  
JUDGMENT MOTIONS**

I, Jacob A. Schroeder, hereby declare:

1. I submit this declaration pursuant to Civil L.R. 6-2 in support of the parties Joint Stipulation to Extend Briefing Schedule for Daubert and Summary Judgment Motions. I have personal knowledge of the facts set forth in this declaration and, if called to testify as a witness, could and would do so competently.

2. Pursuant to Civil Local Rule 6-2(a)(1) and 6-2(a)(3), the facts stated in the Joint Stipulation are true and correct.

3. Pursuant to Civil Local Rule 6-2(a)(2), I have listed below all previous time modifications in this case of which I am aware.

4. Uber previously requested and X One agreed to provide, a 30-day extension for Uber to respond to X One's Complaint. ECF No. 22.

5. X One previously requested and Uber agreed to provide, a 14-day extension for X One to respond to Uber's motion to dismiss. ECF No. 27; ECF No. 28.

6. In negotiating the terms of a protective order, the parties previously requested a 14-day extension (ECF No. 46; ECF No. 48) and a 5-day extension (ECF No. 49; ECF No. 50).

7. Uber previously requested and X One agreed to extend the deadline for invalidity contentions and several claim construction deadlines. ECF No. 56; ECF No. 57.

8. This case was stayed pending Uber's IPR petitions. ECF No. 77; ECF No. 78; ECF No. 89. During the stay, the parties requested an extension of time for mediation. ECF No. 79; ECF No. 80

9. The parties agreed to extend the time for Uber to respond to X One's Motion for Summary Judgment by six days in view of ongoing discovery in advance of the close of fact discovery. ECF No. 122; ECF No. 123.

10. On May 29, 2019, the parties agreed to take four depositions past the close of fact discovery to accommodate witness schedules. ECF No. 161; ECF No. 163.

1        11. On June 4, 2019, X One sought to shorten the briefing schedule (by 7 days) for  
2 third-party SC Innovations, Inc. to respond to X One’s Motion to Compel Compliance and to  
3 advance the hearing date for X One’s motion. ECF No. 167. X One’s motion was granted.  
4 ECF No. 170.

5       12. On August 23, 2019, X One requested an extension of time (ECF No. 255) to file a  
6 response to Uber’s Motion to Strike certain opinions of Dr. Sigurd Meldal (ECF No. 250). The  
7 Court did not act on X One’s motion before X One’s opposition was due, so X One filed its  
8 opposition under the deadline set by the Civil Local Rules (ECF No. 261), mooted X One’s request  
9 for an extension of time.

10        13. Pursuant to Civil Local Rule 6-3(a)(3), X One's requested extension of time will not  
11 alter the date of any other event or any other deadline already fixed by Court Order. Moreover,  
12 because the party's briefs will be due November 26, 2019, the requested extension provides the  
13 Court with sufficient time to consider the fully-briefed motions in advance of the hearing on *Daubert*  
14 motions on December 12, 2019, and the hearing on summary judgment motions on January 9, 2020.

14. Neither party has previously requested any modifications to the briefing schedule set  
15 by rule for these motions, and the modifications requested herein will not affect the noticed hearing  
16 date for the motion or any other scheduled dates or events in this action.  
17

18 I declare under penalty of perjury under the laws of the United States of America that the  
19 foregoing is true and correct. Executed this 6th day of November 2019.

*/s/ Jacob A. Schroeder*

Jacob A. Schroeder (SBN 264717)

## ATTESTATION OF E-FILED SIGNATURE

I, Jacob A. Schroeder, am the ECF User whose ID and password are being used to file this document. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Esther Kim Chang has concurred in this filing.

Dated: May 29, 2019

By: /s/ Jacob A. Schroeder  
Jacob A. Schroeder

## **[PROPOSED] ORDER**

Pursuant to the parties' stipulation, oppositions to Daubert and Summary Judgment motions are to be filed on November 18, 2019; replies to Daubert and Summary Judgment motions are to be filed on November 26, 2019. **IT IS SO ORDERED.**

Dated: \_\_\_\_\_

Honorable Lucy H. Koh  
United States District Judge